

REMARKS

The specification has been amended to correct an obvious typographical error; the exclamation mark "!" has been removed from the TITLE.

Claims 1-19 and 22 are pending in the application.

In response to the lack of unity/restriction requirement, Applicants hereby elect the invention of Group I, with traverse.

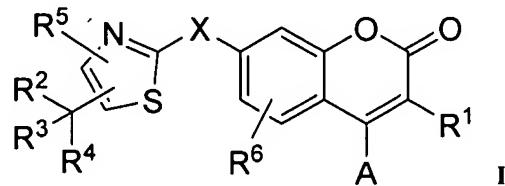
The Examiner has proposed three Groups: Group I (claims 1-9 drawn to compounds and pharmaceutical compositions), Group II (claims 10-19 drawn to method of use), and Group III (claim 22 drawn to another method of use). Claim 22, however, is a pharmaceutical composition claim dependent upon claim 9, and therefore should be grouped with claims 1-9, rather than in a separate group. In addition, the Examiner's contention that the groups lack the same or corresponding special technical feature is not well founded; the special technical feature common to all claims is compounds of formula I.

In response to the election of species requirement, Applicants hereby elect the species of Example 7, with traverse. Claims readable thereon are 1-19 and 22.

The Examiner alleges that the species are deemed to lack unity of invention because they are not so linked as to form a single inventive concept under PCT Rule 13.1. Applicants respectfully disagree.

Under PCT Rule 13.2, the requirement of unity of invention is fulfilled when "there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features." PCT Administrative Instructions Annex B, paragraph (f) provides that for Markush practice where a single claim defines alternatives, the requirement for technical relationship and special technical features is met when the alternatives are of a similar nature. Alternatives of chemical compounds are of a similar nature where (A) all alternatives have a common property or activity, and (B) a common structure is present, i.e., a significant structural element is shared by all of the alternatives.

In the present case, claim 1 is directed to compounds of formula I:





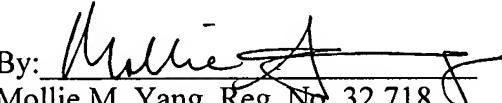
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in which X is defined as -S-, -SO- or -SO₂-. All alternatives have a common activity - leukotriene biosynthesis inhibition, and all alternatives share a significant structural element - the 7-(1,3-thiazol-2-yl)thio-coumarin core structure; therefore Applicants respectfully submit that claim 1 fulfills the PCT unity of invention requirement and should be examined as a whole.

In view of the above remarks, Applicants respectfully request that the Examiner reconsider the lack of unity and election of species requirements.

Fees required, if any, in connection with this response may be charged to Merck Deposit Account Number 13-2755.

Respectfully submitted,

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